

Chapter 8

Additional Reports

In addition to the reports discussed in Chapter 7, special reports may be required depending on a committee's activity, including:

- Late Contribution Reports (Form 497)
- \$5,000 Reports (Form 497 filed electronically)
- Election Cycle Reports (Form 497 filed electronically)
- Paid Spokesperson Reports (Form 511)
- Reports of Communications Identifying State Candidates (Form E-530)

Each of these reports is discussed in detail in the following pages. Information disclosed on a Form 497, Form 511, and Form E-530 is also disclosed on the committee's campaign statement (Form 450/460).

Late Contribution Report (Form 497)

The reporting requirements for state committees that must file electronically differ from those of a local committee or a state committee that does not file electronically. The reports discussed below must be filed in addition to any required preelection or semi-annual campaign statements and all contributions disclosed on Form 497 must also be disclosed on the committee's next regular campaign statement (Form 460).

Generally, primarily formed ballot measure committees do not “make” late contributions to other committees or candidates, as it may no longer qualify as a primarily formed committee. If your committee makes a contribution of \$1,000 or more, 16 days before an election, it may be required to file a late contribution report. Contact the FPPC for guidance.

Committees Required to File Electronically With Secretary of State

A state primarily formed ballot measure committee must file reports electronically with the Secretary of State once contributions totaling \$50,000 or more are received or expenditures totaling \$50,000 or more are made. (See Chapter 6.)

If the committee receives a contribution of \$1,000 or more from a single contributor during the 90-day election cycle prior to the measure's election, Form 497 must be electronically filed with the Secretary of State within 24 hours of receiving the contribution (there is no exception if the deadline falls on a Saturday, Sunday or official state holiday). During the period 16 days before the election in which the measure is being voted on, contributions from a single contributor must be aggregated to determine if \$1,000 was received.

In addition, if the committee receives a contribution of \$5,000 or more from a single contributor at any time other than during an election cycle, an electronic report must be filed with the Secretary of State within 10 business days.

Electronic reports must be filed only with the Secretary of State. Paper copies are not required and copies are not required to be filed with any other filing officer.

Local Committees and State Committees Not Required to File Electronically

A local committee or a state committee that is not required to file electronically must file a Late Contribution Report (Form 497) if, during the last 16 days before the election in which the measure supported or opposed by the committee is being voted upon, the committee receives a contribution of \$1,000 or more, or multiple contributions aggregating \$1,000 or more, from a single source. This includes monetary and nonmonetary contributions, loans, or a combination of contributions and loans.

Only contributions received during the last 16 days before the election are aggregated to reach the \$1,000 threshold. A contribution received *before* the 16-day late contribution period is not aggregated with a contribution received from the same source during the late period.

Examples *Fourteen days before the November election, Citizens for the Trolley, Yes on B, a city primarily formed ballot measure committee, received a \$500 contribution. Ten days before the election on which the measure was to appear on the ballot, the committee received another \$500 contribution from the same source. These two contributions in the aggregate amount to \$1,000. The committee must file a late contribution report within 24 hours of receiving the second contribution.*

*Seventeen days before the November election, Citizens for the Trolley, Yes on B, received a \$600 contribution from an individual contributor. Another \$600 was received from the same contributor four days before the election. Since an aggregate of \$1,000 was **not** received **during** the last 16 days before the election from this individual, the committee is not required to file a late contribution report.*

not known at the time of filing, a good faith estimate of the value that will be received during the period. If the value of the late nonmonetary contributions received differs from the estimated amount by 20 percent or more, the estimated report must be amended within 24 hours from the time the committee knows that the estimated value is incorrect.

When to File: A late contribution is received on the date the committee, or an agent of the committee, obtains possession or control of the monetary contribution or nonmonetary item that constitutes the contribution. The late contribution report must be filed **within 24 hours** of receiving a late monetary contribution. File a late contribution report **within 48 hours** of receiving a late nonmonetary contribution. The “next business day” rule for filing periodic reports does not apply to late contribution reports.

The committee may use the Late Contribution Report (Form 497) or create its own form, as long as all of the required information is provided, to disclose late contributions received.

Where to File: The Late Contribution Report (Form 497) must be filed by fax, guaranteed overnight delivery service, or personal delivery at the same locations where the committee files its regular campaign statements (e.g., Form 460). Regular mail may not be used.

Late Non-Monetary Contributions: A committee that anticipates receiving more than one nonmonetary contribution from a single contributor during the 16 days before the election, may, on or before the deadline, file a single Form 497 covering the entire late contribution period. The report should disclose the total value of nonmonetary contributions that will be received, or, if the actual value of nonmonetary contributions is

Chapter 8 — Additional Reports

Form 497

Late Contribution Report		Type or print in ink. Amounts may be rounded to whole dollars.		LATE CONTRIBUTION REPORT	
NAME OF FILER Save Our Water, A Committee for Prop. 215, Sponsored by Farmers of California with major funding by farmers and environmentalists		Date of This Filing 11/2/XX	Date Stamp	CALIFORNIA FORM 497 For Official Use Only	
AREA CODE/PHONE NUMBER 213/555-0848	I.D. NUMBER (if applicable) 1254388	Report No. 12			
STREET ADDRESS 900 West First Street, Suite 2700		<input type="checkbox"/> Amendment to Report No. _____ (explain below)			
CITY Los Angeles	STATE CA	ZIP CODE 90012	No. of Pages 1		
Late Contribution(s) Received					
DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE AND ID# ENTER ID NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED	
11/1/XX	Friends of Rivers ID#980034 1720 P Street, NW Washington, DC 20009	<input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC		\$200,000	
				<input type="checkbox"/> Check if Loan	
Reason for Amendment: _____					

How to Complete Form 497

Enter the committee's name, street address, city, state, zip code, and identification number.

- Indicate the date of filing this report.
- Assign a unique number to each late contribution report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.
- If this is an amendment to a report previously filed, assign a new unique identifying number as the Report Number, check the "Amendment" box, and indicate the number of the report being amended.
- For late contributions **received**, provide:
 - The date received;
 - The contributor's full name and mailing address, the appropriate contributor code, and, if the contributor is an individual, his or her occupation and employer, or, if self-employed, enter the name of his or her business;
 - The amount of the contribution and check the box if it was a loan.

Amendments

To amend a previously-filed late contribution report, file a new Form 497 with the corrected information and the "Amendment" box checked. Or, disclose the required information on a piece of paper identified as an amendment. The "Report Number" of the report being amended should be included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.



A loan of \$1,000 or more that is forgiven during the late contribution reporting period triggers a late contribution report.

Paid Spokesperson Report (Form 511)

A Paid Spokesperson Report (Form 511) is filed by a committee that makes expenditures totaling \$5,000 or more for an individual's appearance in a printed, televised, or radio advertisement, or in a telephone message, to support or oppose the qualification, passage, or defeat of a state or local ballot measure. (The advertisement itself also must disclose that the individual is being paid to appear.)

Example *In support of a measure, your committee hires a public relations firm to produce a television advertisement. A celebrity is paid \$5,000 or more to appear in the ad. Your committee is required to file the Form 511. In addition, the ad must state that the individual was paid to appear.*

Form 511 must be filed in addition to any preelection or semi-annual campaign statements the committee is required to file. Payments made to spokespersons also must be reported on the committee's next campaign statement (Form 450/460).

When to File

File Form 511 within 10 days of making or promising payments totaling \$5,000 or more to the individual that will appear in the advertisement(s).

Where to File

File Form 511 in the same locations the committee files its campaign statements. (Committees required to file electronically with the Secretary of State (see Chapter 6) must file Form 511 electronically, as well as on paper. To file Form 511 electronically, go to www.sos.ca.gov.)

Chapter 8 — Additional Reports

Form 511

Paid Spokesperson Report			Date Stamp	CALIFORNIA FORM 511 For Official Use Only
Type or print in ink. Amounts may be rounded to whole dollars.				
NAME OF FILER Save Our Water, A Committee for Prop. 215, Sponsored by Farmers of California with major funding by farmers and environmentalists		ID # (Required) 1254388		
AREA CODE/PHONE NUMBER 213/555-0848	E-MAIL (Optional)		<input type="checkbox"/> Amendment (explain)	
STREET ADDRESS 900 West First Street, Suite 2700				
CITY Los Angeles	STATE CA	ZIP CODE 90012		
Payments Made Attach additional information on appropriately labeled continuation sheets.				
DATE	NAME AND ADDRESS OF SPOKESPERSON	BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION)	AMOUNT	
2/16/XX	James Rotterdam 1400 Western Avenue Los Angeles, CA 90028	Proposition 215, State of California <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	\$9,000	
Verification I have used all reasonable diligence in preparing this report. I have reviewed the report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Executed on <u>2/16/XX</u> DATE		By _____ SIGNATURE OF TREASURER/SECRETARY TREASURER/FILER		

How to Complete Form 511

Filer Information

Provide the committee's full name, street address, city, state, zip code, and telephone number.

Also, list the committee's identification number, as provided by the Secretary of State.

Payments Made

In the first column, provide the date the payments were made or the services were received, whichever is earlier. In the second column, indicate the name and address of the individual who was paid \$5,000 or more to appear in the advertisement. In the third column, provide the name, number or letter, and jurisdiction of the ballot measure supported or opposed by the advertisement. Finally, in the last column, indicate the total amount of the expenditure.

Verification

The Form 511 is not considered filed if it is not signed.

Amendments

To amend a previously-filed Form 511, file another Form 511. Check the "Amendment" box and give a brief description of the amendment. Enter the committee's name and address, and disclose the amended information. Like the original, the amendment must be signed and dated. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. The amendment is filed in the same location(s) the original was filed.

Communications Identifying State Candidates (Form E-530)

A committee that spends \$50,000 or more for a communication disseminated during the 45 days before an election that clearly identifies a state candidate appearing on the ballot, but does not expressly advocate the election or defeat of that candidate, must file electronically with the Secretary of State the Form E-530 within 48 hours of making a payment, or promising to make a payment of \$50,000 or more.



A candidate is not considered “clearly identified” if the candidate’s name is required by the provisions of state or federal law to appear in the communication and the candidate is not singled out in the manner of display.

The committee must report this activity on the Form E-530 within 48 hours of making the payment, or promising to make a payment, of \$50,000 or more. (Contact the Secretary of State’s office at (916) 653-6224 or go to www.sos.ca.gov.)

Contribution limits may apply if a committee, at the behest of a state candidate, makes a payment of \$50,000 or more for a communication featuring the state candidate 45 days before his or her election. Contact the FPPC for assistance.

The Form E-530 must disclose the amount and date of the payment(s), and the name of and office sought by the candidate(s) identified in the communication. In addition, if \$5,000 or more was received or promised from a single source to pay for the communication, the name, address, occupation, and employer (if applicable) of the contributor, as well as the date and amount received or promised, must be reported.

Example *The Rails for California, A Committee for Proposition 410, decided to buy billboard space up and down Interstate 5 stating, “Thank You, Governor Grant, for Supporting Proposition 410.” The billboard space was rented for the 30 days prior to the next state election in which Governor Grant is running for reelection. The total cost for design, printing, placement, and space rental was \$65,000 and was paid on October 6. By October 8, the committee must file the Form E-530 electronically with the Secretary of State.*

The report must be verified by a written “electronic filing declaration” signed, dated, and verified on the same date the report is transmitted to the Secretary of State. This declaration must be retained in the committee’s records for five years following the date that the campaign report to which it relates is filed. The statement must include the following language:

“I have used all reasonable diligence in preparing this report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”

Other Special Reports

There are other reports that may be required. The reports listed below are not reviewed in this manual because, if a primarily formed ballot measure committee engages in the type of activity that would require the filing of the following reports, it would likely cease being a primarily formed committee and become a general purpose committee. Contact the FPPC toll-free at (866) 275-3772 for advice.

These reports include:

- Supplemental Independent Expenditure Reports (Form 465)
- Late Independent Expenditure Reports (Form 496)
- Late Contribution Reports – Contributions Made (Form 497)
- Contributions/Expenditures to Support/ Oppose a State Ballot Measure (Form 496 or 497 filed electronically)
- Special Odd-Year Reports (Form 460)
- Supplemental Preelection Reports (Forms 460 and 495)

Your Committee	File
Makes independent expenditures of \$1,000 or more to support or oppose a candidate or <i>another</i> ballot measure	Form 465
Makes independent expenditures of \$1,000 or more to support or oppose a candidate or <i>another</i> ballot measure during the 16 days before the candidate or measure's election	Form 496
Makes contributions totaling \$1,000 or more to a candidate or <i>another</i> ballot measure committee during the 16 days before the candidate's or measure's election	Form 497
Makes contributions or independent expenditures of \$5,000 or more to support or oppose the qualification, passage, or defeat of <i>another</i> state ballot measure	Form 496 or Form 497 filed electronically
Makes contribution(s) totaling \$10,000 to <i>state</i> officeholders during the first or third quarter of an odd-numbered year	Form 460
Makes contributions of \$10,000 or more in connection with <i>another</i> election	Form 460 and Form 495

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

- 81004.5 *Reports and Statements; Amendments.*
- 82015 *Contribution.*
- 82025 *Expenditure.*
- 82036 *Late Contribution.*
- 82036.5 *Late Independent Expenditure.*
- 82044 *Payment.*
- 84101 *Statement of Organization; Filing.*
- 84200 *Semi-Annual Statements.*
- 84200.6 *Special Campaign Statements and Reports.*
- 84202.5 *Supplemental Preelection Statement.*
- 84202.7 *Time for Filing by Committees of Odd-Numbered Year Reports.*
- 84203 *Late Contribution; Reports.*
- 84203.3 *Late In-Kind Contributions.*
- 84203.5 *Supplemental Independent Expenditure Report.*
- 84204 *Late Independent Expenditures; Reports.*
- 84204.5 *Ballot Measure Contributions and Expenditures; Reports.*
- 84511 *Ballot Measure Ads; Paid Spokesperson Disclosure.*
- 85309 *Online Disclosure of Contributions.*
- 85310 *Communications Identifying State Candidates.*

- 18426 *Semi-Annual Statement Early Filing.*
- 18450.11 *Spokesperson Disclosure.*
- 18539 *Online Disclosure of Contributions.*
- 18539.2 *Reporting Payments Pursuant to Government Code Section 85310.*

Title 2 Regulations

- 18116 *Reports and Statements; Filing Dates.*
- 18215 *Contribution.*
- 18402.5 *Supplemental Pre-Election Statements.*
- 18421.1 *Disclosure of the Making and Receipt of Contributions.*
- 18425 *Late Contributions; Reports.*